

COPY

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JEFFREY R. SMITH, JR.

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)
)

CRIMINAL NO. 10-10193-JLT

EX PARTE AND UNDER SEAL

GOVERNMENT'S MOTION FOR REVOCATION OF RELEASE

On April 15, 2010, defendant Jeffrey Smith was arrested pursuant to a federal criminal complaint which charged him with mailing threatening communications and using the mail to make threats to destroy minority churches in violation of 18 U.S.C. §§844(e) and 876. A copy of the criminal complaint is attached hereto as Exhibit A. Subsequently, after indictment (attached hereto as Exhibit B) and a period of detention, defendant Smith was released on bail.

Of course, one of the conditions of defendant Smith's release was that he "not commit any offense in violation of federal, state or local law while on release in this case." See Release Order attached hereto as Exhibit C. Government counsel has been advised by the FBI that defendant Smith has recently made threatening phone calls to one of the victims in this case in violation of 18 U.S.C. §§1503 (obstruction of justice) and 1512(b) (1) (2) (Tampering with a witness). The FBI 302 reports pertaining to this incident are attached hereto as Exhibit D. As set forth in the reports, defendant Smith has violated the

conditions of his release.

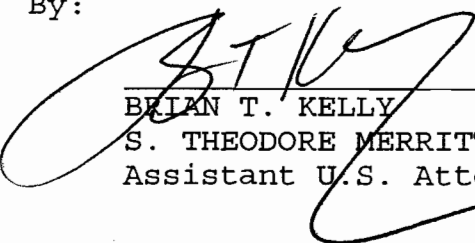
Accordingly, pursuant to 18 U.S.C. §3148(b) and the release order in this case, the government respectfully requests that this Court issue the attached arrest warrant and revoke defendant Smith's bail.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

DATE: July 30, 2010



BRIAN T. KELLY
S. THEODORE MERRITT
Assistant U.S. Attorneys

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Massachusetts

United States of America

v.

Jeffrey Smith

Defendant

Case No.

10 - mi - 0439 - RBC

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September, 2009 to March, 2010 in the county of Middlesex in the District of Massachusetts, the defendant violated 18 U. S. C. §§ 876, 844(e), an offense described as follows:

Knowingly mailing communications containing any threat to injure a person;

Willfully using the mail to make a threat to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building by means of fire.

This criminal complaint is based on these facts:

See Attached Affidavit of FBI Special Agent AdriAnne Carrier

Continued on the attached sheet.

AdriAnne Carrier
Complainant's signature

FBI Special Agent AdriAnne Carrier

Printed name and title

Sworn to before me and signed in my presence.

Date:

APR 15 2010

at 12:27 pm

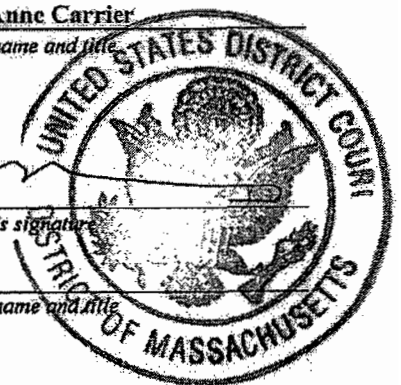
Robert B. Collings
Judge's signature

City and state:

Boston, MA

Robert B. Collings

Printed name and title



HON. ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 7420
Boston, Massachusetts 02210

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, AdriAnne N. Carrier, being duly sworn, hereby depose and state the following:

1. I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for three years and five months. I have been assigned to the Public Corruption/Civil Rights Squad for approximately three years.

2. I submit this affidavit in support of a criminal complaint charging JEFFREY SMITH with mailing communications containing a threat to injure a person, in violation of Title 18, United States Code, Section 876, and with using the mail to willfully make a threat to damage real property by means of fire, in violation of Title 18, United States Code, Section 844(e).

3. The information contained in this affidavit is based upon my own observation and knowledge, as well as on information obtained by me from other law enforcement officers. Because this affidavit is being submitted for a limited purpose, I have not included details of every aspect of this investigation. Where appropriate, I have substituted initials for the names of victims to protect their privacy.

Overview of Investigation

4. I have been involved in an ongoing investigation concerning the mailing of thirty-one threatening and/or defamatory letters to seven churches with predominantly African-American congregations, four chapter offices of the National Association for the Advance of Colored People (hereinafter referred to as "NAACP"), a Microsoft, Inc. office, and nineteen private residences, all located within Massachusetts, Rhode Island and North Carolina.

5. On September 19, 2009, I received information that Saint Paul American Methodist Episcopal Church located at 85 Bishop Richard Allen Drive, Cambridge, Massachusetts, and the

NAACP chapter located at 330 Martin Luther King Boulevard, Roxbury, Massachusetts, each received between September 17 and 19, 2009 a typewritten letter, appearing to be computer generated, via United States mail post-marked from Massachusetts. The return address labels on the letters, also computer generated, listed “[D. D.] Novartis, Massachusetts Avenue, Cambridge, MA 02138, HDuBYBM”. The letters, each printed on a cut portion of an 8 ½” x 11” white paper and specifically addressed to the church and NAACP office, stated that the author did “not like African American or minorities in charge as supervisors of my security department at Novartis, nor I like them as president of the United States. For that I am going to burn down your offices just let you know how I feel. What right does some black person has the right to be in charge of me.” Each letter was enclosed in a white, standard letter-sized envelope, affixed with a liberty bell First Class “Forever” postage stamp. Typed addressee and return address labels that included the lettering “HduBYBM” in the return address were affixed to the front of the envelope with wide, clear packing tape.

6. I learned that the company that contracts to provide security officers to Novartis is Securitas Security Services, Inc. (hereinafter “Securitas”).

7. Between September 22, 2009 and March 16, 2010, I was notified of twenty-nine additional letters, similarly packaged with a variety of return addresses, many identical, mailed via United States mail from Massachusetts. Nine of the additional letters were addressed to churches and NAACP chapters in Medford, Massachusetts; Charlotte, North Carolina; and Providence, Rhode Island. Each of the nine letters articulated a specific threat to burn down the church or NAACP chapter which received the letter. The letters referenced racial animus towards “Blacks and minorities”, and the election of United States President Barack Obama as justification for burning

down the church or NAACP office. Two additional letters articulated a threat to shoot the recipients “on Site” should they enter Boston or Providence, RI. The letters sent to the churches and NAACP branches all bear the name of a Securitas account or branch manager as the sender. The letters sent to private individuals and residences, whether threatening and/or defamatory, bear the pseudonym “Hayward Dublouni” as the sender.

8. For example, On September 24, 2009, the Macedonia Baptist Church located at 1300-A Hateras Avenue, Charlotte, North Carolina, 28216 received a computer generated typed letter packaged identically to those described above, and purportedly sent by “[JC], Securitas Security Services USA Inc, 5108 Reagan Dr. #14, Charlotte, NC 28206-1395 HDuBYBM.” On the same day, Friendship Missionary Baptist Church also received a computer generated typed letter packaged identically to those described above, purportedly sent by “[JC], [] Charlotte, NC 28277 HDuBYBM”. The content of the two letters was identical and read:

I personally think Blacks and minorities must be treated like shit. At least I do that while am an account manager working for Securitas Security. Since Barrack Obama was elected President, I am going to take it out on you setting your church on fire and treating you like shit like I treat my employees at Securitas.

The purported author’s name, “[JC]”, is typed at the end of the letter.

9. As another example, on approximately September 24, 2009, thirteen residences on a street in Somerville, Massachusetts received computer generated typed letters packaged identically to those described above, addressed to “Resident” at their respective addresses. Each resident received included a color photocopy of a Securitas Employee Referral Program recruitment flyer with a typed message photocopied over it stating:

Do not work at [] or in the Longwood Medical Area, because [K.E.] (The “BRIT” that lives at [on the street], who is the Securitas Account Manager for [], is a psycho

ass hole from the British Military and an unregistered Level 3 sex offender from Scotland Yard, who should be deported “across the pond” back to his native Great Britain in a pine box.

The return address on each letter was “Hayward Dublouni, 2034 Dick Drive, York Beach, Maine 03910.

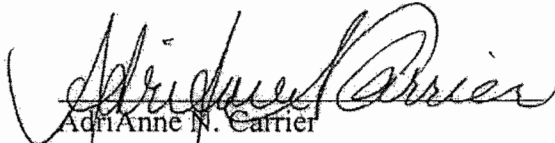
10. Through interviews with personnel at Securitas, I learned that an employee in Boston, JEFFREY SMITH, had recently sent an e-mail to other employees discussing how troubled he was with his current supervisor and referenced a previous one, [JC], commenting “we know what happened to him.”

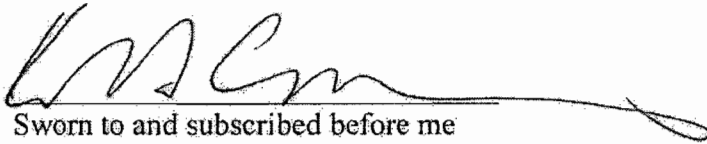
11. On April 15, 2010, I, along with other agents of the FBI and officers from the Cambridge and Medford Police Department, executed a federal search warrant at JEFFREY SMITH’s residence, located at 122 Allston Street, Medford, MA. Among items that were seized were numerous return address labels bearing the pseudonym “Hayward Dublouni,” as well as address labels marked “Resident” and bearing two street names in the vicinity of the residence of SMITH’s current supervisor.

12. On April 15, 2010, I conducted an interview with JEFFREY SMITH at his home, and after being advised of and waiving his rights under Miranda, SMITH admitted that he composed and mailed all the threatening letters to the churches and NAACP offices using the name of a Securitas supervisor with whom he did not get along, or whom he believed had unfairly taken employment action against a co-worker who is black. SMITH also admitted composing and mailing the threatening letters to private individuals using the pseudonym “Hayward Dublouni.”

Based on my training, knowledge and the facts set forth in this affidavit I believe that there is probable cause to believe that JEFFREY SMITH has violated Title 18, United States Code,

Sections 876 and 844(c).


Adrienne N. Carrier
Special Agent, FBI


Sworn to and subscribed before me

Robert B. Collings
United States Magistrate Judge

Dated: APR 15 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JEFFREY R. SMITH, JR.

:
:
: CR. No. 10-10193-JLT
: VIOLATIONS:
: 18 U.S.C. 844(e) - Making
: Threats to Destroy
: Property by Fire;
: 18 U.S.C. 876(c) -
: Mailing Threatening
: Communications

INDICTMENT

The Grand Jury charges that:

COUNT ONE: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information

On or about September 17, 2009, in the District of
Massachusetts, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Saint
Paul AME Methodist Episcopal Church in Cambridge, MA,
purportedly authored by someone whom SMITH believed to be a
former supervisor at Novartis, containing the following threat:

I do not like African American or minorities in charge
as supervisors of my security department at Novartis,
nor I like them as president of the United States. For
that I am going to burn down your church just let you
know how I feel. What right does some black person has
the right to be in charge of me.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Saint Paul American

Methodist Episcopal Church by means of fire, and did maliciously convey false information, knowing the same to be false, concerning an alleged attempt to be made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section 844(e).

**COUNT TWO: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about September 17, 2009, in the District of
Massachusetts, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the NAACP-
Boston Branch in Roxbury, MA, purportedly authored by someone
whom SMITH believed to be a former supervisor at Novartis,
containing the following threat:

I do not like African American or minorities
in charge as supervisors of my security
department at Novartis, nor I like them as
president of the United States. For that I
am going to burn down your offices just let
you know how I feel. What right does some
black person has the right to be in charge of
me.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the NAACP-Boston Branch by means
of fire, and did maliciously convey false information, knowing
the same to be false, concerning an alleged attempt to be made,
by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e) .

**COUNT THREE: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about September 22, 2009, in the District of
Massachusetts, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Shiloh
Baptist Church in Medford, MA, purportedly authored by a former
supervisor of SMITH, containing the following threat:

I personally think Blacks and minorities must be
treated like shit. At least I do that while am a
branch manager working for Securitas Security. Since
Barrack Obama was elected President and the fact that
you people accused me of being drunk and getting me
fired from my job I am going to take it out on
you setting your church on fire and treating you like
shit like I treat my employees at Securitas.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Shiloh Baptist Church by
means of fire, and did maliciously convey false information,
knowing the same to be false, concerning an alleged attempt to be
made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT FOUR: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about September 24, 2009, in the District of
Massachusetts and the Western District of North Carolina, the
defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Macedonia
Baptist Church in Charlotte, NC, purportedly authored by a former
supervisor of SMITH, containing the following threat:

I personally think Blacks and minorities must be
treated like shit. At least I do that while am an
account manager working for Securitas Security. Since
Barrack Obama was elected President, I am going to take
it out on you setting your church on fire and treating
you like shit like I treat my employees at Securitas.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Shiloh Baptist Church by
means of fire, and did maliciously convey false information,
knowing the same to be false, concerning an alleged attempt to be
made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT FIVE: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about September 24, 2009, in the District of
Massachusetts and the Western District of North Carolina, the
defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the
Friendship Missionary Baptist Church in Charlotte, NC,
purportedly authored by a former supervisor of SMITH, containing
the following threat:

I personally think Blacks and minorities must be
treated like shit. At least I do that while am an
account manager working for Securitas Security. Since
Barrack Obama was elected President, I am going to take
it out on you setting your church on fire and treating
you like shit like I treat my employees at Securitas.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Friendship Missionary
Baptist Church by means of fire, and did maliciously convey false
information, knowing the same to be false, concerning an alleged
attempt to be made, by means of fire, to damage and destroy said
building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT SIX: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about September 28, 2009, in the District of
Massachusetts, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the NAACP
Merrimack Valley in Lawrence, MA, purportedly authored by a
former supervisor of SMITH, containing the following threat:

I personally think Blacks and minorities must be
treated like shit. At least I do that while am a
branch manager working for Securitas Security. Since
Barrack Obama was elected President and the fact that
you people accused me of being drunk and getting me
fired from my job I am going to take it out on
you setting your offices on fire and treating you like
shit like I treat my employees at Securitas.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the NAACP Merrimack Valley
Chapter by means of fire, and did maliciously convey false
information, knowing the same to be false, concerning an alleged
attempt to be made, by means of fire, to damage and destroy said
building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT SEVEN: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about October 2, 2009, in the District of
Massachusetts and in the Western District of North Carolina, the
defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Charlotte
Mecklenberg NAACP in Charlotte, NC, purportedly authored by a
former supervisor of SMITH, containing the following threat:

I personally think Blacks and minorities must be
treated like shit. At least I do that while am a
account manager working for Securitas Security. Since
Barrack Obama was elected President, I am going to take
it out on you setting your offices on fire and treating
you like shit like I treat my employees at Securitas.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Charlotte Mecklenberg NAACP
Chapter by means of fire, and did maliciously convey false
information, knowing the same to be false, concerning an alleged
attempt to be made, by means of fire, to damage and destroy said
building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT EIGHT: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about November 4, 2009, in the District of
Massachusetts and the District of Rhode Island, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Condon
Street Baptist Church in Providence, RI, purportedly authored by
the father of a former supervisor of SMITH, containing the
following threat:

I think minorities and blacks should be treated like
shit. My son [J] also thinks so too, who was an
account manager working for Securitas Security at the
[DF], now working at [M] in Charlotte, North Carolina,
as Securitas's branch manager. Since Barack Obama was
elected President, we strongly that my family wants to
burn you church, just to treat you like shit.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Condon Street Baptist Church
by means of fire, and did maliciously convey false information,
knowing the same to be false, concerning an alleged attempt to be
made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT NINE: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about November 5, 2009, in the District of
Massachusetts and the District of Rhode Island, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the NAACP
Providence Branch in Providence, RI, purportedly authored by the
father of a former supervisor of SMITH, containing the following
threat:

I think minorities and blacks should be treated like
shit. My son [J] also thinks so too, who was an
account manager working for Securitas Security at the
[DF], now working at [M] in Charlotte, North Carolina,
as Securitas's branch manager. Since Barack Obama was
elected President, we strongly that my family wants to
burn you offices, just to treat you like shit.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the NAACP Providence Chapter by
means of fire, and did maliciously convey false information,
knowing the same to be false, concerning an alleged attempt to be
made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e).

**COUNT TEN: 18 U.S.C § 844(e) - Making a Threat to Destroy a
Building By Use of Fire and Maliciously Conveying
False Information**

On or about November 9, 2009, in the District of
Massachusetts and the Western District of North Carolina, the
defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Second
Calvary Baptist Church in Charlotte, NC, purportedly authored by
a former supervisor of SMITH, containing the following threat:

I think blacks and minorities should be treated like
shit. I treat them like shit all the time like shit as
at security manager at [CCS]. With the election of
Barack Obama, I am going to treat you like shit by
burning down your church.

and thereby did willfully threaten to unlawfully damage and
destroy the building occupied by the Calvary Baptist Church by
means of fire, and did maliciously convey false information,
knowing the same to be false, concerning an alleged attempt to be
made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section
844(e).

COUNT ELEVEN: 18 U.S.C § 844(e) - Making a Threat to Destroy a Building By Use of Fire and Maliciously Conveying False Information

On or about November 9, 2009, in the District of Massachusetts and the Western District of North Carolina, the defendant

JEFFREY R. SMITH, JR.

through use of the mail, sent a letter addressed to the Thrift Baptist Church in Charlotte, NC, purportedly authored by a former supervisor of SMITH, containing the following threat:

I think blacks and minorities should be treated like shit. As an account manager working for Securitas Security working at the [DF], and now working at branch manager at [M] in Charlotte, North Carolina security account, I treat minorities and blacks should be treated like shit all the time. Since Barack Obama was elected President, I strongly want to burn you church, just to treat you like shit.

and thereby did willfully threaten to unlawfully damage and destroy the building occupied by the Thrift Baptist Church by means of fire, and did maliciously convey false information, knowing the same to be false, concerning an alleged attempt to be made, by means of fire, to damage and destroy said building.

All in violation of Title 18, United States Code, Section 844(e).

COUNT TWELVE: 18 U.S.C § 876 - Mailing a Threatening
Communication

On or about December 1, 2009, in the District of
Massachusetts and the Western District of North Carolina, the
defendant

JEFFREY R. SMITH, JR.

knowingly did deposit in an authorized depository for mail
matter, caused to be delivered by the Postal Service, a written
communication, addressed to [a person referred to herein as
"J.C."] in Charlotte, NC, a former supervisor of SMITH known to
the grand jury, containing the following threat to injure him:

If you are seen in the Boston and/or Providence Area,
you will be shot on Site, especially where your family
lives on [] St, Providence, Along with your family.
We know where you honkeys live.

All in violation of Title 18, United States Code, Section
876(c).

**COUNT THIRTEEN: 18 U.S.C § 876 - Mailing a Threatening
Communication**

On or about December 1, 2009, in the District of
Massachusetts and the District of Rhode Island, the defendant

JEFFREY R. SMITH, JR.

knowingly did deposit in an authorized depository for mail
matter, to be sent and delivered by the Postal Service, a copy of
the written communication specified in Count Twelve, addressed to
[a person referred to herein as "G.C."], Providence, RI, the
father and family of a former supervisor of SMITH known to the
grand jury, containing the following threat to injure another:

If you are seen in the Boston and/or Providence Area,
you will be shot on Site, especially where your family
lives on [] St, Providence, Along with your family.
We know where you honkeys live.

All in violation of Title 18, United States Code, Section
876(c).

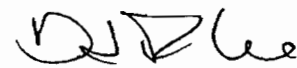
A TRUE BILL


FOREPERSON OF THE GRAND JURY


ASSISTANT U.S. ATTORNEY(S)

DISTRICT OF MASSACHUSETTS; June 15, 2010

Returned into the District Court by the Grand Jurors and
filed.


Donald LaRoche
6/15/10 2:45p.

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: Boston, RI, NC Category No. II Investigating Agency FBI
City Boston Related Case Information: 10 CR 10193 JLT
County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 10-mj-0439-RBC
Search Warrant Case Number 10-mj-0431-RBC
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Jeffrey R. Smith, Jr. Juvenile ☐ Yes ☒ No
Alias Name _____
Address 122 Allston Street Medford, MA 02155
Birth date (Year only): 1964 SSN (last 4 #): 4022 Sex M Race: white Nationality: _____
Defense Counsel if known: Thomas Hoopes, Esq. Address: 175 Federal Street
Boston, MA 02110
Bar Number: 23940

U.S. Attorney Information:

AUSA S. Theodore Merritt Bar Number if applicable _____
Interpreter: ☐ Yes ☒ No List language and/or dialect: _____
Victims: ☒ Yes ☐ No If Yes, are there multiple crime victims under 18 U.S.C. §3771(d)(2) ☐ Yes ☒ No
Matter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☒ Regular Process ☐ In Custody

Location Status:

Arrest Date: April 15, 2010
☐ Already in Federal Custody as _____ in _____
☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial
☒ On Pretrial Release: Ordered by Robert B. Collings on May 12, 2010
Charging Document: ☐ Complaint ☐ Information ☒ Indictment
Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 13

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: June 15, 2010 Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JEFFREY R. SMITH, JR.

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Number</u>
Set 1	<u>18 USC 844(e)</u>	<u>Making Threats to Destroy Property by Fire</u>	<u>1-11</u>
Set 2	<u>18 USC 876(c)</u>	<u>Mailing Threatening Communications</u>	<u>12-13</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

United States of America

V.

Jeffrey Smith

Defendant

ORDER SETTING CONDITIONS
OF RELEASE

Case Number: MJ 10-0439-RBC

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case. Including, but not limited to, 18 U.S.C. ss. 1503, 1512, 1513 attached to this order.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. s. 14135a.
- (3) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number and the new address proposed address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) US District Court, Boston, MA
Place

on

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence
- (☒) The defendant executes an unsecured bond binding the defendant to pay the United States the sum TEN THOUSAND dollars 10,000.00)
in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () The defendant is placed in the custody of:

Name of person(s) _____

City and state _____

Tel. No. _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

Custodian or Proxy

Date

ADDITIONAL CONDITIONS OF RELEASE

(✓) (4) The defendant shall:

- (a) Maintain residence on record with Pre-Trial (Medford, MA) and do not move from that address without providing to the Court, in writing, in advance, the proposed new address and receiving prior written permission from the Court to change address.
- (b) Travel is restricted to Massachusetts except that you may visit brother in New Hampshire, you may not leave without advance permission of the Court
- (c) Do not use or possess any weapons, firearms or destructive devices and you shall have none in your residence.
- (d) Report to Pre-trial Services in person every Monday before 12:00 PM. If Monday is a Federal Holiday report the next working day. You must also contact Pre-trial by telephone every Thursday by land line phone. Telephone number for Pre-Trial is 617-748-9213.
- (e) Obtain employment and notify Pre-Trial Services of such employment.
- (f) Participate in weekly mental health counseling and verify your attendance with Pre-Trial. You must sign all appropriate releases to allow communication between Pre-Trial and clinical staff.
- (g) Defendant shall notify Pre-Trial services within twenty-four hours if arrested or if have any contact with law enforcement officials in their official capacity.
- (h) Do not compose any letters via US Mail without prior permission from Pre-Trial Services.
- (i)
- (j)
- (k)
- (l)
- (m)
- (n)
- (o)
- (p)
- (q)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

~~I acknowledge that a warrant for my arrest has been signed by an authorized judicial officer and is being held in abeyance. The warrant may be activated without notice to me if I abscond in violation of the conditions of my release on electronic monitoring.~~ *ML*

Jeffrey R. Smith

Signature of Defendant

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 5-12-10

Noreen Russo

Signature of Judicial Officer

NOREEN RUSSO DEPUTY CLERK

Name and Title of Judicial Officer

(a) Whoever corruptly, or by threats or force, or by any unlawful means which occur in connection with the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is— (1) in the case of a killing, the punishment provided in sections 1111 and 1112; (2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and (3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

18 U.S.C. § 1512. Tampering with a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person, with intent to—

(A) prevent the attendance or testimony of any person in an official proceeding;

(B) prevent the production of a record, document, or other object, in an official proceeding; or (C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A) influence, delay, or prevent the testimony of any person in an official proceeding; (B) cause or induce any person to—

(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv) be absent from an official proceeding to which that person has been summoned by legal process; or (C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is—

(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112; (B) in the case of—

(i) an attempt to murder; or (ii) the use or attempted use of physical force against any person; imprisonment for not more than 20 years; and

(C) in the case of the threat of use of physical force against any person, imprisonment for not more than 10 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to— (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned by legal process; or (3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than ten years, or both.

(c) Whoever corruptly— (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise

shall be fined under this title or imprisoned not more than 20 years, or both.

(1) attending or testifying in an official proceeding; (2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings; (3) arresting or seeking the arrest of another person in connection with a Federal offense; or (4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both. (e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and (2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or (2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section. (i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. (k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for— (A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (B) providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings, shall be punished as provided in paragraph (2).

(2) The punishment for an offense under this subsection is—

(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and (B) in the case of an attempt, imprisonment for not more than 20 years.

(b) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer; or attempts to do so, shall be fined under this title or imprisoned not more than ten years, or both.

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(d) There is extraterritorial Federal jurisdiction over an offense under this section.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/29/2010

On July 29, 2010, Medford, Massachusetts, cellular telephone number and home telephone number advised Federal Bureau of Investigation ("FBI") Special Agent (SA) AdriAnne N. Carrier of the following information:

is currently employed by
in Boston, Massachusetts.

On Thursday, July 29, 2010, mother, also of Medford, Massachusetts, advised that their home telephone recently received four calls and three threatening voicemail messages from two separate telephone numbers. immediately recognized the telephone numbers listed on their Caller ID system as belonging to JEFFREY SMITH, a former SECURITAS employee previously supervised. then listened to the messages and immediately recognized SMITH's voice as the caller. SMITH and live near each other in Medford, and in the past, SMITH occasionally picked up at his home and drove him to work. After listening to the messages, stated that he is extremely concerned that SMITH knows where and his family live.

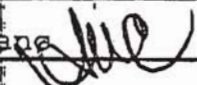
SMITH was recently arrested by the FBI for sending threatening letters. SMITH listed SECURITAS employees in the letters. recalled that not long after SMITH was arrested, he called cellular telephone number. When asked why SMITH was calling, SMITH stated that he had the wrong phone number and hung up. reported the call to SECURITAS management, who then contacted the FBI. has since changed his cellular telephone number.

stated that based upon SMITH's recent arrest, SMITH's continued attempts to contact and SMITH's recent threatening voicemail messages to is extremely concerned for his safety and the safety of his family.

Based upon Caller ID and statements made to by his mother, described the recent calls and threatening messages as follows:

Investigation on 07/29/2010 at Honolulu, HI (telephonically)

File # 44A-BS-101834 Date dictated 07/9/2010

by SA AdriAnne N. Carrier:ana 

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44A-BS-101834

Continuation of FD-302 of _____

On 07/29/2010 Page 2

On Tuesday, July 27, 2010, at approximately 1:00 AM (all times hereafter Eastern Standard Time), _____ home telephone number received a call and threatening voicemail message from (781) 835-8534 (per Caller ID telephone system), which _____ recognized as SMITH's cellular telephone number. The caller did not identify himself, but stated, to the best of _____ recollection, "You have twenty-four hours to leave Medford and go to New York. Why are you still here? Why are you still bothering me? Get out of town." _____ recognized the caller's voice as belonging to SMITH.

Two hours later, at approximately 3:00 AM, a second call and identical threatening message was received on _____ home telephone from SMITH's cellular telephone number. _____ recognized the caller's voice as belonging to SMITH.

On Wednesday, July 28, 2010, at approximately 3:00 AM, _____ home telephone received a call from telephone number (781) 396-6810, which _____ recognized as SMITH's home telephone number. No message was left at that time. Three hours later, at approximately 6:00 AM, _____ received a second call from SMITH's home telephone number. SMITH left another threatening message. To _____ recollection, SMITH stated, "You have twenty-four hours to leave Medford and go to New York. Why are you still here? Why are you still bothering me? Get out of town."

Later that morning, when _____ received the messages she called telephone number (781) 396-6810 (SMITH's home number) to find out who was leaving the threatening messages. A female named "EARNESTINE" answered _____ call. EARNESTINE said she would talk to her sons about the calls.

At approximately 11:00 AM that same morning, prior to learning of the threatening messages, _____ was at home and heard the home telephone ring. He did not answer the call. The caller did not leave a message. Later, _____ checked the Caller ID, and noted that the call at 11:00 AM originated from SMITH's telephone.

_____ stated that SMITH knows that _____ is a New York Yankees fan and travels to New York almost every weekend to watch games.

Upon learning of the threatening messages, _____ contacted the MEDFORD POLICE DEPARTMENT and filed a police report. He identified SMITH as the caller.

44A-BS-101834

Continuation of FD-302 of _____

, On 07/29/2010 , Page 3

agreed to contact law enforcement immediately upon receiving any additional suspicious calls, and or activity near his home.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/29/2010

On July 29, 2010, Medford, Massachusetts, home telephone number advised Federal Bureau of Investigation ("FBI") Special Agent (SA) AdriAnne N. Carrier of the following information:

son, is currently employed by SECURITAS SECURITY SERVICES, INC. ("SECURITAS") in Boston, Massachusetts.

On Tuesday, July 27, 2010, at approximately 1:00 AM (all times hereafter Eastern Standard Time), home telephone received a call and threatening voicemail message from (781) 835-8534 (per caller identification system on telephone). To the best of recollection the male caller stated, "I'm giving you twenty-four hours to move out of Medford and live in New York." The caller did not identify himself.

Two hours later, at approximately 3:00 AM, a second call and identical threatening message was received on home telephone from the same telephone number.

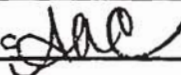
Six hours later, at approximately 9:00 AM, shaken up and confused as to what the caller meant, called the unidentified caller back at (781) 835-8534. She wanted to determine his identity and to ask what his message meant. A male answered, and when asked if the male called her earlier, he responded that he had the wrong telephone number. The call ended at that time.

On Wednesday, July 28, 2010, at approximately 3:00 AM, home telephone received a call from telephone number (781) 396-6810. No message was left at that time. At approximately 6:00 AM, received a second call from (781) 396-6810, and a threatening message left by a male she recognized from the previous two messages who again stated words to the effect of, "I'm giving you twenty-four hours to move out of Medford and live in New York."

At 10:00 AM that morning, increasingly worried and confused, called telephone number (781) 396-6810 back to determine the identity and reason for the threatening messages. A female identifying herself as "EARNESTINE" answered the call. asked the woman, who at her number keeps calling

Investigation on 07/29/2010 at Honolulu, HI (telephonically)

File # 44A-BS-101834 Date dictated 07/9/2010

by SA AdriAnne N. Carrier:anc 

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44A-BS-101834

Continuation of FD-302 of _____

. On 07/29/2010 , Page 2

home. She asked why someone would leave the messages that she received. EARNESTINE stated that she had two sons living with her, both in their 40's, one worked at the Cheesecake Factory at the Burlington Mall. EARNESTINE would ask her sons who kept calling and why they called her and left the messages. and EARNESTINE ended the call at that time.

On July 29, 2010, when _____ saw her son, she informed him of the telephone calls and threatening messages. When _____ looked at the telephone numbers that the calls were made from, he immediately recognized the numbers as belonging to JEFFREY SMITH, an individual he previously supervised at SECURITAS. _____ told _____ that the telephone numbers were SMITH's home telephone number and cellular telephone number.

_____ immediately contacted the MEDFORD POLICE DEPARTMENT ("MEDFORD PD") and filed a police report regarding the threatening telephone calls.

_____ deleted the telephone messages not realizing she should save them. Based upon instructions by MEDFORD PD, _____ contacted her telephone company, VERIZON WIRELESS, to request a "trap" on the calls.

_____ advised that she will save any future suspicious messages and contact law enforcement immediately.

Medford Police Department
100 Main Street
Medford, MA 02155
(781) 391-6404

HARASSING & ANNOYING TELEPHONE CALL REPORT

Date: 7/29/10

DR#: 10014606

Victim's name: _____

Victim's address: _____

Victim's telephone Number: _____

Telephone number where victim can be reached during daytime: _____

Type and circumstances of telephone

calls: Calling party calls to threaten victim and. His Mother
telling them via voicemail to move that they have
24hrs to leave medford.

Suspect(s) if

any: Jeffery Smith / number being used was - (81) 835-8534
and (781) 396-6810

Relationship to victim if

known: Suspect worked with victim, Securitas was the
company name.

Reporting Officer's Signature Pt. Clin...

Badge# 257

Reviewing Officer's Signature [Signature]

To obtain a trap on your telephone line, you must contact the business office of your telephone carrier. This number can be found on your telephone bill or by calling directory assistance. You will also have to provide them with the above Department Report (DR) number. You may find the following telephone numbers helpful.

Verizon customers call 1-800-518-5507

AT&T customers call 1-888-851-7319

When the Telephone Company notifies you that a trap was successful, they will provide you with a case number. At that time call 781-391-6767 and leave a message with Detective Mackowski making sure to leave your name, a daytime telephone number and the case number.

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America

v.

Jeffrey R. Smith, Jr.

Case No. CR#10-10193-JLT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Jeffrey R. Smith, Jr.

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☒ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

violating the conditions of his pretrial release by making threats to witness in violation of 18 U.S.C. 1503 (Obstruction of Justice) and 18 U.S.C. 1512(b)(1)(2) (Witness Tampering).

Date: 07/30/2010

Issuing officer's signature

City and state: Boston, Massachusetts

Robert B. Collings, Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title